

Appln. No. 09/749,210  
Amdt. dated: April 20, 2004  
Reply to Final Office Action dated January 20, 2004

## **REMARKS**

These remarks are set forth in response to the Final Office Action mailed January 20, 2004, (the "Office Action"). As this Amendment has been timely filed within the three-month statutory period, neither an extension of time nor a fee is required. Presently, claims 1-20 are pending in the Patent Application.

### **I. Allowable Subject Matter**

The applicant notes with appreciation that claims 1, 2 and 4-16 have been allowed. Applicant has corrected minor typographical errors in claims 1, 4, 10 and 13, but otherwise the claims remain unchanged from their previously presented form.

The Examiner has objected to claim 20, but has indicated that the claim would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, claim 20 has been amended to be in independent format including all of the limitations of claim 17, from which claim 20 had previously depended.

### **II. Claim Rejections on Art**

In the Office Action, claims 17-19 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,023,930 to Leslie (hereinafter "Leslie"). Amended claim 17 recites a base transceiver station (BTS) comprising a processor that is programmed to selectively configure a plurality of discrete power levels at which a repeater will transmit a backhaul signal. The processor can be used by the BTS to remotely control and calibrate discrete power level settings of the repeater. Notably, the power level settings are used to indicate a power level measured from an uplink communication channel. Thus, if there are four discrete backhaul power levels that are used to indicate the uplink power levels, such backhaul power levels can be established by the BTS.

Leslie discloses a system which incorporates a booster (conventionally referred to as a repeater) to provide a communications link between a mobile unit and a cell site.

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Notably, although a program control unit is provided within the booster to provide overall control of the booster, there is no means disclosed in Leslie for externally controlling the output power of the booster from a remote location. More particularly, Leslie discloses a program control unit 66 that includes a microprocessor, but this program control unit is a component of the booster (or repeater), not of the BTS. Thus, Leslie does not disclose a means for configuring the output power levels of a repeater from the BTS, which is remotely located with respect to the repeater.

The foregoing difference with respect to the claimed invention is significant. Oftentimes a BTS must communicate with multiple repeaters. One following the teachings of Leslie would be required to adjust each repeater individually should a power level adjustment be required. In contrast, the present invention provides the ability for the BTS to set the backhaul power levels from a central location, which is far more efficient than individually updating each repeater.

Amended claim 19 further recites that the processor is programmed to process the indicated power level to control the power level of the mobile transceiver unit based on the indicated power level. Again, Leslie fails to teach or suggest this limitation. Leslie merely sends a mobile unit a "handoff" message to place the mobile on a new unused voice channel when the mobile's transmit signal becomes weak. In contrast, the claimed invention can instruct the mobile transceiver unit to boost its power, thereby delaying or preventing a handoff that might otherwise be necessary. In situations when there is not another repeater available, the claimed invention can prevent a call from being dropped when the mobile transceiver unit's transmit power becomes too low.

### III. Conclusion


Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of

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the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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Robert J. Sacco  
Registration No. 35,667  
Terry W. Forsythe  
Registration No. 47,569  
SACCO & ASSOCIATES, P.A.  
P.O. Box 30999  
Palm Beach Gardens, FL 33420-0999  
Tel: 561-626-2222